



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN**

**GERALD C. MANN
ATTORNEY GENERAL**

Honorable Nolen L. Sewell
County Attorney
Wise County
Decatur, Texas

Dear Sir:

Opinion No. 0-2683
Re: Whether a man with only one eye is
eligible to operate a school bus.

We have your letter of August 20th, wherein you request the opinion of this department as to whether a man with only one eye would be eligible to operate a school bus under the provisions of Article 2687a, Revised Civil Statutes of Texas, which reads in part as follows:

"No person shall be employed to transport pupils, who is not at least twenty-one years of age and a competent driver of motor vehicles and sound in body and mind."

The unquestioned purpose of this provision is to guard the safety of the pupils transported in the school bus. The Legislature having made no effort to define the term "a competent driver of motor vehicles" and "sound in body and mind," doubtless intended the statute to prescribe general rules to guide the discretion of the school board in the selection of a bus driver. We are not prepared to say, that as a matter of law, a man with only one eye is not a competent driver or that he is not sound in body and mind within the meaning of that term as used in Article 2687a. A man with two eyes whose sight in both is defective, might be much less qualified to operate a bus than another man with perfect vision in one eye.

It is our opinion, therefore that your question is

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one largely of fact, the determination of which must rest in the exercise of the sound discretion vested in the school board.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Walter R. Koch
Assistant

WRK:AW

APPROVED AUG 26, 1940

/s/ Grover Sellers
FIRST ASSISTANT
Attorney General

APPROVED
opinion committee
By BWB
chairman